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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,704	06/23/2003	Kohei Koshida	01306.000098	5743
5514	7590	06/09/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			GLEITZ, RYAN M	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2852	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/600,704		KOSHIDA, KOHEI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ryan Gleitz		2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/20/06</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “guide member” (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. 3-84837.

The publication discloses an image forming apparatus including an image forming unit having an image bearing member (1) capable of being detachably attached to a main body. An intermediate transfer member (118) is disposed at a upper position and to which the image is transferred.

Recording material conveying means (123) is for conveying a recording material along a conveyance route. Transfer means (119B and 122) transfers the image to a recording material.

A first openable portion (130) on an upper face hold the intermediate transfer member (118). A second openable portion (140A) is on a side of the main body and exposes the conveyance route. Figure 4 shows that the second openable portion (140A) is openable independently from the first openable portion (130).

Reference numeral (241) in figure 5 indicates a guide member for supporting attachment and detachment of the image forming unit.

Figure 6 shows that the image forming unit is capable of being inserted through an opening formed when the second openable portion (140A) is closed and the first openable portion (130) is opened.

Regarding claims 2 and 3, first openable portion (130) has a first rotary shaft (129) as a center, and second openable portion (140A) has second rotary shaft (129A) as a center, each shaft is parallel to the conveyance surface and perpendicular to a conveyance direction, and

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positioned so that the first and second openable portion move away from each other when opened.

Regarding claim 4, figure 4 shows that the intermediate transfer member (118) and the first openable portion (130) are structured in a unified body.

Regarding claim 6, figures 4 and 6 show that the image forming unit is attachable and detachable in vertical direction.

Regarding claim 8, figure 4 shows a conveyance means (123) is a pair of rollers, one held by the main body and one held by the second openable portion.

Regarding claim 10, fixing means (116) is held by the first openable portion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 3-84837 in view of Kumon et al. (JP 07-181815).

The publication discloses the image forming apparatus above, but discloses a corona transfer member (122) rather than a contact transfer member.

However, Kumon et al. disclose a contact transfer roller (5) to make ozone generation low. See abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the corona transfer member with the contact transfer roller taught by Kumon et al. to avoid the problem of ozone generation. Abstract, lines 1-3.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 3-84837 in view of Morita et al. (JP 03-271754).

The publication discloses the image forming apparatus above, but does not disclose that the fixing means is held by the second openable portion.

However, Morita et al. disclose an image forming apparatus having first and second openable portions, as shown in figure 5, including a fixing means (18). Part of the fixing means is held by the second openable portion (162).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image forming apparatus with the divided fixing unit taught by Morita et al. The suggestion for doing so would have been that the divided fixing unit would facilitate removing jammed papers in the fixing unit.

#### ***Response to Arguments***

Applicant's arguments, see p. 6, filed 13 April 2006, with respect to the rejection under 35 USC 112 have been fully considered in light of the newly presented claim amendments and are persuasive.

Applicant's remaining arguments filed 13 April 2006 have been fully considered but they are not persuasive.

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Regarding the objection to the drawings, Applicant submits, without citing any authority or basis, that the drawings need not comply with 37 CFR 1.83(a) because one of ordinary skill in the art would have known the physical make-up of a guide member. Response, p. 6. This is a mischaracterization of the requirements of 37 CFR 1.83(a). The guide member must be shown in the drawings or cancelled from the claims.

Regarding Haneda et al., Applicant submits that image forming units are withdrawn on the front side of the image forming apparatus. Response, p. 8. Applicant has provided no evidence of why the image forming units are withdrawn on the front side in Haneda et al..

***Contact Information***

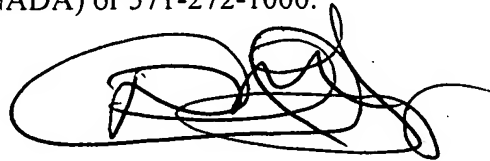
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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DAVID M. GRAY  
SUPERVISORY PATENT EXAMINER